

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE RODRIGUEZ-AVELINO,

Defendant.

Case No. 2:09-CR-213-KJD-RJJ

**ORDER**

Before the Court is Defendant Jose Rodriguez-Avelino's ("Defendant") Motion to Vacate under 28 U.S.C. § 2255 (#28). Defendant supplemented this Motion twice (##29, 30) and the Government was ordered to respond (#31), which it did (#40). It should be noted that Defendant is still technically on supervised release, preventing this Motion from being moot. However, Defendant has been deported to Mexico and is not being actively supervised.

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1 Under the Local Rules of Special Proceedings and Appeals, Plaintiff is required to “file with  
2 the Court written notification of any change of address. . . . Failure to comply with the Rule may  
3 result in dismissal of the action with prejudice.” LSR 2-2. The Court’s most recent communication  
4 with Plaintiff has been returned as undeliverable and labled “ATTEMPTED - NOT KNOWN” (#39).  
5 Accordingly, Defendant’s Motion is **HEREBY DENIED**, however the Court does so without  
6 prejudice.

7 DATED this 9th day of October 2013.

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Kent J. Dawson  
United States District Judge  
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